

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**CRIMINAL NO.: 16-781(JAG)**

v.

**CARLO JOEL HERNANDEZ-ALICEA, 16**

Defendant.

**UNITED STATES' INFORMATIVE MOTION  
REGARDING DETENTION & PRELIMINARY HEARINGS**

In February and May 2025, U.S. Probation filed motions notifying violations of supervised release by Mr. Hernandez-Alicea. (Dkt. Nos. 163 & 168) The motion of February 2025 (Dkt. No. 163) noted three positive drug tests. In addition, it stated that “[a]ccording to state complaints filed under state case No.2025-05-035-00405, Mr. Hernandez-Alicea used physical force against his consensual partner, by hitting her on different parts of her body and bighting her arm. He also caused damages to the victim’s vehicle, by breaking a front headlight. Mr. Hernandez-Alicea also threatened to end the life of the victim provoking the victim to fear for her life.”

An arrest warrant was issued in February 2025. (Dkt. No. 165) Then, on May 20, 2025, U.S. Probation filed a supplemental motion. It stated as follows:

On April 27, 2025, Mr. Carlo Hernandez-Alicea was charged in the Bayamon First Instance Court for violations to the Puerto Rico Domestic Violence Law 54 Art. 3.1 (Abuse). According to state complaints filed under state case

No.BY2025CR00555-1-3, Mr. HernandezAlicea employed physical and psychological violence against his consensual partner, to cause emotional damage consisting of him calling her a pig, a slut, and “cabrona”, while punching her on her left side of the face, provoking hematomas. As well as punching her on various body parts. Moreover, Mr. Hernandez-Alicea threatened the victim by telling her that he would call his brother to explode her “para que la explotara”.

(Dkt. No. 168)

On May 30, an initial appearance was held. (Dkt. No. 172) The Court scheduled a detention hearing and preliminary hearing for June 11. (Dkt. Nos. 172 & 173).

The Government informs the Court that it will not request the detention tomorrow of Mr. Hernandez-Alicea. Instead, the Government will request certain conditions of release. Should the Court decide not to detain Mr. Hernandez-Alicea, then a preliminary hearing will be moot. *See* Fed. R. Crim. P. 32.1(b)(1)(A) (“If a person is in custody for violating a condition of probation or supervised release, a magistrate judge must promptly conduct a hearing to determine whether there is probable cause to believe that a violation occurred.”).

The parties’ communications on this matter are attached as Attachment A.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico, this June 10, 2025.

W. STEPHEN MULDROW

United States Attorney

/s/ Jonathan Gottfried

Jonathan Gottfried, G02510

Assistant U.S. Attorney

Torre Chardon, Suite 1201

350 Carlos Chardon St.

San Juan, P.R. 00918

Tel. (787) 7665656

email: jonathan.l.gottfried@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

/s/ Jonathan Gottfried

U.S.D.C. No. G02510

**ATTACHMENT A**

**From:** Kevin Lerman  
**Sent:** Tuesday, June 10, 2025 1:06:44 PM  
**To:** Rivera Diaz, Cesar (USAPR)  
**Cc:** Joseph Niskar  
**Subject:** [EXTERNAL] RE: USA v. Hernandez-Alicea (16-781)

Good Afternoon,

It's presently the day before the hearing, Mr. Hernández has been detained for 44 days, the state matters were dismissed for lack of timely presentation of evidence, and Mr. Hernández was in weekly treatment and testing negative. He also has a stable residence and strong employment history.

So, it's not so much that Mr. Hernández *wishes* to have a contested hearing, applicable law requires a prompt probable cause hearing if he's to be detained any longer.

That said, if the government does not have evidence to present tomorrow, and would like to seek dismissal, we could discuss the possible addition of a new special condition, e.g., that he attend and complete probation's moral recognition therapy in addition to his ongoing cannabis-consumption treatment sessions.

Please call or email me if you'd like to discuss anything.

Best,

Kevin E. Lerman  
Assistant Federal Public Defender  
Federal Public Defender - District of Puerto Rico  
241 F.D. Roosevelt Ave., San Juan, PR 00918  
Office (787) 281-4922

Direct (787) 474-6389

[Kevin\\_Lerman@fd.org](mailto:Kevin_Lerman@fd.org)



CONFIDENTIALITY NOTICE: Privileged and confidential information, including attorney-client communication and attorney work product may be contained in this message. This message is intended only for those to whom it is directed. If you are not an intended recipient of this message, any review, dissemination, distribution or copying of this communication is strictly prohibited and may be a crime or ethics violation. No confidentiality or privilege is waived or forfeited by any misdirection of this message. If you have received this message in error, please immediately delete all originals and copies of it from your system, destroy any hard copies and notify the sender by return e-mail of your receipt.

**From:** Rivera Diaz, Cesar (USAPR)  
**Sent:** Tuesday, June 10, 2025 11:06 AM  
**To:** Kevin Lerman  
**Subject:** Fw: USA v. Hernandez-Alicea (16-781)

Good morning,

Please see email below regarding this revocation case. I understand you are covering for AFPD Niskar. Please let me know how Defendant wishes to proceed. Thank you.

Respectfully,

César E. Rivera Díaz  
Assistant United States Attorney  
U.S. Attorney's Office  
District of Puerto Rico  
350 Carlos Chardón Avenue  
San Juan, Puerto Rico 00918  
Office Phone: (787) 282-1931  
Mobile Phone: (787) 308-2731



---

**From:** Rivera Diaz, Cesar (USAPR)  
**Sent:** Monday, June 9, 2025 9:40:51 PM  
**To:** Joseph Niskar  
**Subject:** USA v. Hernandez-Alicea (16-781)

Good evening,

This case has a preliminary revocation hearing scheduled for Wednesday at 9:00 am.

In exchange for defendant admitting his conduct (D.E. 163 and 168), the government is willing to offer low to middle of the guidelines.

That would be 4-7 months with the CHC I calculated in the PSR at D.E. 94.

Please let me know if this will be a contested preliminary hearing.

Thank you.

César E. Rivera Díaz

Assistant United States Attorney

U.S. Attorney's Office

District of Puerto Rico

350 Carlos Chardón Avenue

San Juan, Puerto Rico 00918

Office Phone: (787) 282-1931

Mobile Phone: (787) 308-2731

